



Pedestrian Accessibility

Valley on the Coal Heritage Byway

Virginia Division Office

Americans with Disabilities Act (ADA) Requirements in the Public Right-of-Way



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U.S. Department of Transportation
Federal Highway Administration



Section 504/ADA Title II

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- **Rehabilitation Act Section 504 (1973)**
- Prohibits discrimination under any “program or activity” that receives federal assistance
- DOT regulations 49 CFR Part 27
- Transition Plan – bring existing into compliance

- **Americans with Disabilities Act (1990)**
- Prohibits discrimination in all aspects of life
- Title II applies to all state and local governments
- DOJ 28 CFR 35/DOT 49 CFR Part 37
- DOT designated federal oversight responsibilities

Which federal agencies implement and enforce ?

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- **DOJ:** Coordinates Federal agency activities with respect to State and local government compliance with Title II of the ADA; provides policy guidance and interpretations
- **DOT:** Ensures ADA compliance & that recipients of DOT funds comply with requirements of Section 504
- **FHWA:** DOT has delegated to FHWA responsibility to ensure Section 504/ADA compliance in the public rights-of-way and on projects using Federal funds administered by FHWA
- **U.S. Access Board:** Federal agency responsible for developing ADA guidelines for designing and constructing accessible facilities.



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NOTE: The Access Board develops *guidelines* that aren't *standards* until they're adopted by DOT and DOJ.



Accessibility Requirements in the Public Right-of-Way

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- Pedestrian facilities, *when provided*, must be accessible (28 CFR 35.149 – 35.151)
- Existing facilities must provide Program Access [28 CFR 35.150]
- All NEW work must be accessible to/usable by people with disabilities, unless structurally impracticable [rare – 28 CFR 35.151(a)]
- All ALTERED work must be accessible to/usable by people with disabilities to the maximum extent feasible [28 CFR 35.151(b)]
- Accessible features must be maintained [28 CFR 35.133]



Accessibility Standards and Guidelines

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- Uniform Federal Accessibility Standards (UFAS) [no longer in use]
- 1991 ADA Accessibility Guidelines (1991 ADAAG) (buildings and facilities)
- 2004 ADA Accessibility Guidelines (2004 ADAAG) (buildings and facilities) (DOT adopted 2006; DOJ adopted 2010)
- Draft 2011 Proposed Accessibility Guidelines for the Public Rights-of-Way (Draft 2011 PROWAG)



What Standard Applies in the ROW?

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➤ 2004 ABA/ADAAG

- Written for Buildings and Sites (sites can be levelled)
- Covers basic features also found in the right of way
 - Walkways (width, slopes, surfaces, etc.)
 - Curb ramps
- Adopted by DOT in 2006, with modification to require detectable warnings
- Adopted by DOJ in 2010 – “2010 ADA Standards”

➤ 2011 Draft PROWAG

- Written for ROW projects (considers terrain)
- Covers most features found in public ROW, including shared-use paths (added by 2013 SNPRM)
- Final PROWAG expected in 2016 (and then we’ll need to adopt)



What Standard Applies until a final PROWAG is adopted as a ROW Standard?

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- Agency Choice
 - Follow ADAAG
 - Use PROWAG as supplement for issues not covered by ADAAG
 - Adopt draft PROWAG as 'equivalent facilitation'
- Key Points:
 - Don't 'cherry-pick' from both guidelines
 - Entities have broad obligation not to discriminate, even if there's no specific standard (APS, on-street parking, etc)





Resurfacing Projects

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- ▶ 2013 Joint Technical Assistance
 - ▶ Defines 'alteration' in this context
 - ▶ <http://www.fhwa.dot.gov/civilrights/programs/ada.cfm>

Alterations

- Overlay
- Mill & Overlay
- Open-graded Surface Course
- Micro-surfacing
- Cape Seal
- In-place Asphalt Recycling

Maintenance

- Striping
- Crack Seal
- Chip Seal
- Slurry Seal
- Spot High-Friction Surface Treatment
- Pavement Patching



What does PROWAG Cover?



Curb Ramps

Protruding
Objects

Detectable Warnings

Connections

Blended Transitions

Surfaces

Cross Slope

Grade

Pedestrian Signage

Width

Temporary Traffic
Control





Design Considerations

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- Consider accessibility early and often, starting with project scope.
 - Are all accessibility improvements triggered by the project included in the scope?
 - Are needed accessibility improvements *not* triggered by the project included in the agency transition plan?
- Requirements will impact the vertical alignment, cross section, and drainage.
- Each corner of an intersection is unique and requires a site-specific solution. Just calling out a standard detail doesn't mean it will work!





Accessibility requirements in work zones and public ROW

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- ADA itself. A public entity's program, services, and activities are to be accessible. Sidewalks and pedestrian travel are public services.
- MUTCD. The needs and control of all road users, including persons with disabilities, shall be an essential part of highway construction and maintenance operations.



Work Zones & Pedestrians

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- PROWAG – Provide alternate pedestrian access route (R205)
- MUTCD – Maintain same level accessibility & detectability (6D.01)

- ▶ Provide advance notice of closures
- ▶ Separate pedestrians from the work site



How to navigate?



- ▶ By pedestrian with vision disability?
- ▶ By pedestrian using a mobility aid?



Examples of Effective Temporary Barricade Design

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**Make sure
construction
signage, etc.
doesn't render
sidewalk
inaccessible**



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Title II – Maintaining Accessibility (28 CFR 35.133)

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- State & local governments must maintain the accessible features of facilities in operable working conditions
- Maintenance examples: sidewalks that are in disrepair; overgrown landscaping, snow accumulation; broken elevator; poor pavement patching



Resources

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- DOJ Title II regulations

http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

- Public Rights-of-Way (PROWAG) Notice of Proposed Rule Making, July 26, 2011

<http://www.access-board.gov/prowac/nprm.htm>

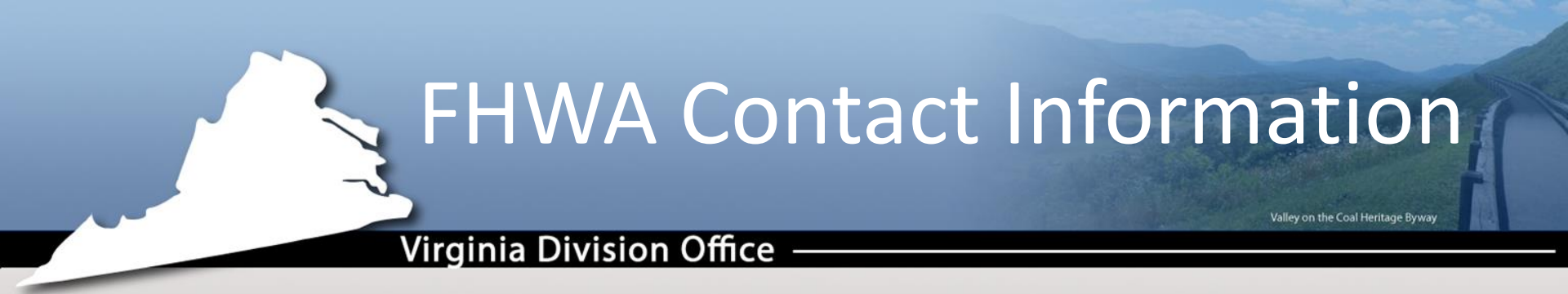
- 2013 Shared-Use Path SNPRM

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/supplemental-notice>

- ITE “Planning & Designing for Alterations” – July 2007

<http://www.access-board.gov/prowac/alterations/guide.htm>

- ADA/504 Q&As at http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm



FHWA Contact Information

Valley on the Coal Heritage Byway

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